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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,135	09/12/2003	Michael C. Van Zandt	99-452-LL	9089
7:	590 03/27/2006		EXAM	INER
Steven J. Saru	ıssi	ANDERSON, REBECCA L		
McDonnell Bo	ehnen Hulbert & Berghoff		· · · · · · · · · · · · · · · · · · ·	
32nd Floor			ART UNIT	PAPER NUMBER
300 S. Wacker Drive			1626	
Chicago, IL 60606			DATE MAILED: 03/27/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/662,135	VAN ZANDT, MICHAEL C.				
		Examiner	Art Unit				
		Rebecca L. Anderson	1626				
	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address				
Period fo							
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)🖾	Responsive to communication(s) filed on 27 De	ecember 2005.					
2a)⊠	This action is FINAL . 2b) This action is non-final.						
3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)🖂	4)⊠ Claim(s) <u>1,3,18-26,28-30,39,42,46,49 and 50</u> is/are pending in the application.						
	4a) Of the above claim(s) <u>46,49 and 50</u> is/are withdrawn from consideration.						
5)⊠	5)⊠ Claim(s) <u>18-26 and 28-30</u> is/are allowed.						
·	Claim(s) is/are rejected.						
•) Claim(s) <u>1, 3, 39 and 42</u> is/are objected to.						
8)	Claim(s) are subject to restriction and/or	r election requirement.					
Applicati	on Papers						
9)[The specification is objected to by the Examine	r.					
10)	The drawing(s) filed on is/are: a) ☐ acce	epted or b) \square objected to by the E	Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	ınder 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
	1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
See the attached detailed Office action for a list of the certified copies flot received.							
	·						
Attachmen	•	A) 🗍 Intendence Commence	(DTO 412)				
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da	ite				
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	5) Notice of Informal Page 6) Other:	atent Application (PTO-152)				

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DETAILED ACTION

Claims 1, 3, 18-26, 28-30, 39, 42, 46, 49 and 50 are currently pending in the instant application. Claims 46, 49 and 50 are withdrawn as being to non-elected subject matter, claims 1, 3, 39 and 42 are objected and claims 18-26 and 28-30 appear allowable.

Election/Restrictions

This application contains claims 46, 49 and 50 drawn to an invention nonelected in the paper filed 14 December 2004. A complete reply to the final action must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

The elected invention for search and examination is:

The products of the formula

Wherein

A is C1-C4 alkylene group optionally substituted with C1-C2 alkyl or mono-or disubstituted with halogen, preferably fluoro or chloro;

X is as found in claim 1;

R1, R2, R3 and R4 are each independently

hydrogen, halogen, or nitro, or an alkyl group of 1-6 carbon atoms optionally substituted with one or more halogens;

OR₇, SR₇, S(O)R₇, S(O)₂R₇, C(O)N(R₇)₂, or N(R₇)₂, wherein each R₇ is independently hydrogen, an alkyl group of 1-6 carbon atoms (which may be substituted with one or more halogens) or benzyl, where the phenyl portion is optionally substituted with up to three groups

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independently selected from halogen, C_1 - C_6 alkyl, C_1 - C_6 alkoxy, amino, and mono- or di(C_1 - C_6) alkylamino;

phenoxy where the phenyl portion is optionally substituted with up to three groups independently selected from halogen, C_1 - C_6 alkyl, C_1 - C_6 alkoxy, amino, and mono- or di(C_1 - C_6) alkylamino; or

phenyl which is optionally substituted with up to three groups independently selected from halogen, C1-C6 alkyl, C1-C6 alkoxy, amino, and mono-or di(C1-C6)alkylamino;

R5 is as found in claim 1; and

Ar represents benzothiazolyl, which is optionally substituted with up to five groups.

The remaining subject matter of claims 1, 3, and 42 that is not drawn to the above elected invention and the subject matter of claims 46, 49 and 50 stands withdrawn under 37 CFR 1.142(b) as being for non-elected subject matter. The remaining compounds which are not within the elected invention, which are independent and distinct from the elected invention and do not have unity with the elected compound and are therefore withdrawn by means of a restriction requirement within the claims are, for example, the compounds wherein Ar is benzoxazolyl, isoquinolyl, benzothioophenyl, benzofuranyl, benzimidazolyl, oxadiazolyl or indolyl.

The above mentioned withdrawn compounds which are withdrawn from consideration as being for nonelected subject matter differ materially in structure and composition from the compounds of the elected invention. Therefore, again, the

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compounds which are withdrawn from consideration as being for non-elected subject matter differ materially in structure and composition and have been restricted properly as a reference, which anticipated but the elected subject matter would not even render obvious the non-elected subject matter.

These withdrawn compounds are independent and distinct from the elected invention and do not have unity with the species elected and are therefor withdrawn by means of a restriction requirement within the claims.

The requirement is still deemed proper and is FINAL.

Response to Amendment and Arguments

Applicants' amendment file 27 December 2005 has overcome the objection to claims 18-30 as containing non-elected subject matter. While applicant states on page 12 of the remarks that all the claims are now within the scope of the elected invention, it is noted that claims 1, 3 and 42 still contain non-elected subject matter and the objection to these claims is therefore maintained. Claim 39, while not dependent upon a rejected claim, is still objected to as it is dependent upon an objected claim.

Applicants' amendment to claim 1 to limit the substitution on Ar to four substituents and indicating what the substituents are has overcome the 35 USC 112 2nd paragraph rejection of claims 1, 3 and 42 as being indefinite. Applicants' amendment to claims 19, 20, 21 and 22 in addition to applicants' remarks on pages 12 and 13 have overcome the 35 USC 112 2nd paragraph rejection of claims 1 and 21-25 as being indefinite. The cancellation of claim 27 and the dependency change of claim 18 has overcome the 35 USC 112 2nd paragraph rejection of claims 27-30.

Claim Objections

Claims 1, 3 and 42 are objected to as containing non-elected subject matter.

Claims 1, 3 and 42 presented drawn solely to the elected invention identified above as:

The elected invention for search and examination would appear allowable over the prior art of record.

Claim 39 is objected to as being dependent upon an objected base claim, but would appear allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571)

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272-0696. Mrs. Anderson can normally be reached Monday through Friday 5:30AM to 2:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/23/06

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